

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

COTTON INTERNATIONAL, INC.,

Plaintiff,

v.

WESTIN ST. JOHN HOTEL CO., INC.,
BAY VISTA OWNERS ASSOCIATION,
INC., SUNSET BAY CONDOMINIUM
ASSOCIATION, LLC, SUNSET BAY
VACATION OWNERS ASSOCIATION,
LLC, VISTANA SIGNATURE
EXPERIENCES, INC., MARRIOTT
VACATIONS WORLDWIDE
CORPORATION, and WESTIN VACATION
MANAGEMENT COMPANY,

Defendants.

Civ. No.: 1:21-cv-2099-JGK

NOTICE OF MOTION

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law, the Declaration of Todd C. Norbitz, and the exhibit annexed thereto, and upon all prior pleadings and proceedings had herein, Defendants Westin St. John Hotel Co., Inc. (“WSJ”), Vistana Signature Experiences, Inc. (“Vistana”), Marriott Vacations Worldwide Corporation (“Marriott”), and Westin Vacation Management Company (“Westin Management”, and together with WSJ, Vistana, and Marriott, the “Westin Defendants”), by their undersigned counsel, Foley & Lardner LLP, will move before the Honorable John G. Koeltl, United States District Judge for the Southern District of New York, at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, New York, New York 10007, for an order, pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, (i) dismissing Plaintiff Cotton International, Inc.’s (“Plaintiff”) First Amended Complaint (“FAC”) in its entirety and with prejudice as asserted against Vistana,

Marriott, and Westin Management, (ii) dismissing the FAC as asserted against WSJ, to the extent that it seeks to hold WSJ liable for purported breaches of contracts to which it is not a party, and (iii) for such other and further relief as the Court deems just and proper.

PLEASE TAKE FURTHER NOTICE that, pursuant to the Honorable John G. Koeltl's Order dated July 20, 2021 (ECF 65), Plaintiff's opposition to the Westin Defendants' motion shall be served on or before August 27, 2021, and the Westin Defendants' reply, if any, shall be served on or before September 6, 2021.

Dated: New York, New York
August 13, 2021

Respectfully submitted,

s/ Todd C. Norbitz

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Hotel Co., Inc., Vistana Signature
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Worldwide Corporation, and Westin Vacation
Management Company*